

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14cv122**

MICHAEL A. KITCHEN, et al.,

Plaintiffs,

v.

PATRICK BARTON, et al.,


Defendants.

)
)
)
)
)
)
)
)
)
)

ORDER

Pending before the Court is the Motion to Dismiss [# 5]. Defendants move to dismiss the Amended Complaint. On August September 20, 2014, Plaintiffs filed a Second Amended Complaint. The filing of an amended pleading supersedes the original pleading and renders it void of any legal function in the case. Young v. City of Mount Ranier, 238 F.3d 567, 572 (4th Cir. 2001). Accordingly, the Court **DENIES as moot** the Motion to Dismiss [# 5].

Signed: August 21, 2014



Dennis L. Howell
United States Magistrate Judge

